

DEF. DOC. #2675

Exh. No. 335

Translated by  
Defence Language Branch



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

Sworn Department (Translation)

Deponent ; -- OYAMA Ayao

Having first duly sworn an oath as on attached sheet  
and in accordance with the procedure followed in my country  
I hereby depose as follows.

1. I, OYAMA, Ayao, served as Director of the Bureau of  
Legal Affairs of the War Ministry from December 1933 to  
March 1945. My rank at the time of the surrender was Judicial  
Lieutenant General on the reserve list.

2. In regards to the directive which the Vice Minister  
issued in compliance with the order he received (Court Exhibit  
1992) entitled "The Matter Concerning the Treatment of the  
Pilots of the Enemy Planes which Carried out Aerial Attacks  
on Japanese Land" No. 2190, dated 28 July 1942, I learned  
as follows:

DWF. DOC. #2675

That the General Chief of Staff directly requested the Minister of War that something similar to the content of the said directive be issued. Whereupon the War Minister expressed his idea as to what the directive should contain, and the departments and sections concerned consulted and arrived at the final draft which after being approved by the Minister of War was issued. The purport of this directive was that the Minister indicated to the Army Commander that those captured among the crews on the raiding planes whose actions did not violate international law were to be treated as ordinary prisoners of war. Those suspected of violating international law were to be subjected to trial by the Counsel of Military Discipline. And if trial proved that the suspects were guilty of a war time major offense, they were to be punished in accordance with the martial law. If the trial found that they were not guilty of any war time major offense or if the trial did not prove that they were guilty of the said offense, they were to be found "not guilty" and acquitted and were to be treated as ordinary prisoners of war; the legal procedure of the special Court Martial as applied to Japanese soldiers in general when put on trial was to be applied.

On this 30th day of September, 1947

At Tokyo

DEPONENT /S/ OYAMA Ayao (seal)

DEF. DOC. #2675

I, SHIOBARA Tokisaburo, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this Witness.

On the same date

At the same place

Witness: /s/ SHIOBARA Tokisaburo (seal)

OATH

In accordance with my conscience I swear to tell the whole truth withholding nothing and adding nothing.

/s/ OYAMA Ayao (seal)



Def. Doc. # 2675

EX. 3

ERRATA SHEET

Affidavit of OYAMA, Ayao

The following corrections should be made on this document:

Page 2, Line 15

Strike out the words

"in accordance with the martial law."

辯護側書證二六七五號

正誤表

大山文雄宣誓供述書

三頁十三行目

「軍律ニ照シ」ヲ消ス

三頁十六行目 最後

「ト承知シマシタ」ヲ

「デアリマス」ニ改ム